

## **REMARKS**

Claims 43, 53-61, 63, 66-68, and 78-84 are pending in the application.

Claims 43, 53, 54, 56-60, 66, 68, and 78-84 are currently amended, and claims 44-52, 62, 64-65, and 69-77 are canceled. Applicants respectfully submit that no new matter is added to currently amended claims 43, 53, 54, 56-60, 66, 68, and 78-84.

Claims 43-67 stand rejected under 35 U.S.C. §101.

Claims 44-51 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 43-44, 56, 58, 62, 68-70, 78, 82, and 84 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 7,219,072 to Sundaresan, in view of U.S. Patent Application Publication 2002/0103746 to Moffett, JR., hereinafter, Moffett.

Claims 45-48, 50-51, 70-74 and 76-77 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sundaresan, in view of Moffett, and in view of U.S. Patent No. 6,334,127 to Bieganski et al., hereinafter, Bieganski.

Claims 52-55, 57, 59-63, 64-67, 79-81 and 83 stand rejected under 35 U.S.C. §103(a) as unpatentable over Sundaresan, in view of Moffett, and in view of U.S. Patent No. 6,298,348 to Eldering.

Applicants respectfully traverse the rejections based on the following discussion.

### **I. The 35 U.S.C. §101 Rejection**

[0001] Claims 43-67 stand rejected under 35 U.S.C. §101 because the Office Action asserts that the claimed invention is directed to non-statutory subject matter, because a §101 process must be (1) tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing.

[0002] Applicants respectfully submit that independent method claims 43 and 58 are currently amended to recite, in relevant part,

"A computer-implemented method for targeting individual shoppers ~~participating, who participate~~ in online group shopping ~~with at least one,~~ by a merchant, said method comprising: ... ."

Therefore, Applicants further respectfully submit that the method of claims 43 and 58 are currently amended to tie the process to another statutory class, i.e., a computer apparatus.

[0003] For at least the reasons outlined above, Applicants respectfully submit that independent method claims 43 and 58, and dependent claims 53-61, 63, and 66-67 fulfill the statutory requirements of 35 U.S.C. §101. The rejection of canceled claims 44-52, 62, and 64-65 is moot. Withdrawal of the rejection of claims 43-67 35 U.S.C. §101 is respectfully solicited.

## **II. The 35 U.S.C. §112, Second Paragraph, Rejection**

[0004] Claims 44-51 stand rejected under 35 U.S.C. §112, second paragraph.

[0005] Applicants respectfully submit that claims 44-51 are canceled. Hence, the rejection of canceled claims 44-51 is moot. Withdrawal of the rejection of claims 43-67 35 U.S.C. §112, second paragraph, is respectfully solicited.

## **III. The Prior Art Rejections**

### **A. The 35 U.S.C. 103(a) Rejection over Sundaresan and Moffett**

#### **1. The Sundaresan Disclosure**

[0006] It is a fact that Sundaresan discloses, "... the method comprises the steps of: (a) providing a network site offering items for sale; (b) providing to a first user of the network site capability to inform the network site of interest in co-browsing with a second user; (c) providing to the second user of the network site capability to inform the network site of interest in co-browsing with the first user; and (d) providing a capability for communication between the interested first and second users while they continue to shop on the network site. Preferably, the capability for communication comprises a proxy server that protects identity of the users." (col. 1, lines 46-56).

[0007] It is a fact that Sundaresan discloses, "In a preferred embodiment, the method further comprises providing the users with a window displayed on the user's computer screen for interfacing with the network site. The window comprises a first pane that displays items for sale and a second pane that displays content of the communication between the first and second user. This window provides the user with the ability to engage in the shopping/browsing experience

contemporaneously with a chat session with another shopper, so that the chat session can directly relate to and influence the user's shopping experience while the shopping/browsing is in progress." (col. 1, lines 57-67).

[0008] It is a fact that Sundaresan discloses, "FIG. 1 is a block diagram of an exemplary hardware environment of the preferred embodiment of the present invention, and more particularly, illustrates a typical computer network 100 that connects one or more clients 102 to one or more servers, such as an e-commerce web server 104. The network 100 preferably comprises the Internet, although it could also comprise intranets, extranets, LANs, PANs, WANs, etc. A typical combination of resources may include clients 102, 108 that are personal computers or workstations operated by shoppers, and servers 104 that are personal computers, workstations, minicomputers, and/or mainframes." (col. 3, lines 34-45).

[0009] It is a fact that FIG. 1 of Sundaresan discloses,

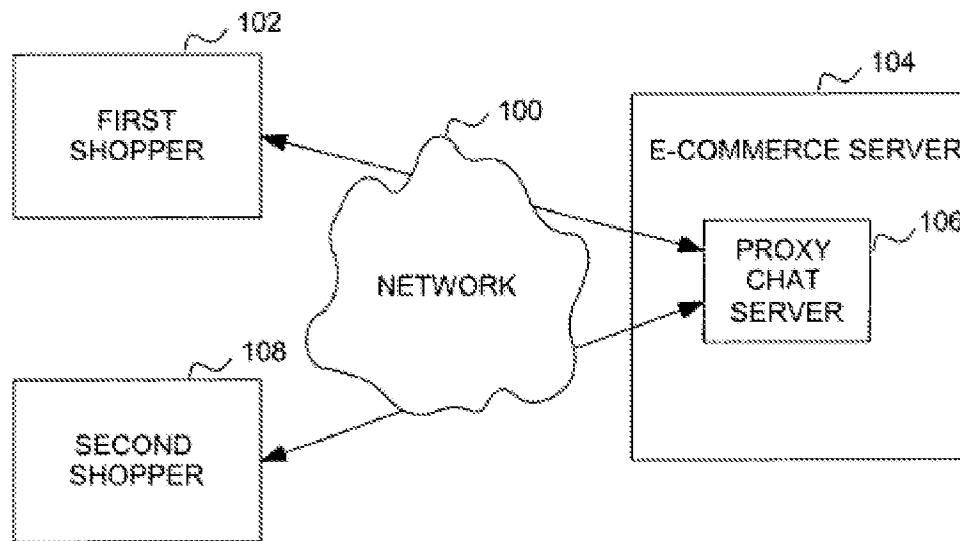


FIG. 1

[0010] It is a fact that Sundaresan discloses, "The method can further comprise

monitoring the browsing pattern of at least one of the first or second users, identifying at least two users of a common browsing pattern and informing the at least two users of the common browsing pattern. The method can further comprise providing the first user with capability to inform the network site of subject matter of interest to the user. The second user can then be selected based on characteristics the second user shares with the first user, and optionally, notified of the characteristics shared with the first user. The characteristics can include, for example, the subject matter of interest to the user. In one embodiment of the method, the capability to inform the network site of interest in co-browsing comprises capability to inform the network site of conditions required for co-browsing." (col. 2, lines 1-15).

[0011] It is a fact that Sundaresan discloses, "In addition, the method of the invention can incorporate tracking of shopper navigational behavior and previous visit histories. An e-store can maintain such information in its database and, optionally, use this information to facilitate matching shoppers with other shoppers having similar interests or with whom they have co-browsed in the past. The method can also be used to provide anonymity to co-browsing shoppers. In another aspect of the invention, the method can permit users to set conditions necessary for engaging in co-browsing with other shoppers." (col. 3, lines 18-27).

[0012] It is a fact that Sundaresan discloses, "In a preferred embodiment, shoppers are provided with a window, displayed on the user's computer screen, for interfacing with the network site. The window comprises a first pane that provides access to the e-store and, for example, displays items for sale or information about available items. The window further comprises a second pane that displays content of the communication with one or more co-browsers. This window comprising at least two panes provides the user with the ability to engage in the shopping/browsing experience contemporaneously with a chat session with one or more additional shoppers. This allows the user to participate in a chat session that will directly relate to and influence the user's shopping experience. The ability to chat with fellow shoppers while browsing brings the user's experience closer to a familiar, conventional shopping experience." (col. 5, lines 3-17).

## **2. The Moffett Disclosure**

[0013] It is a fact that Moffett discloses, "A group initiative that enables the establishment and control of a group by members of the group, while allowing the personalized requirements of individual members to be maintained as the group pursues the advantages of the collective bargaining power of the group as a whole. One aspect of the present invention is a group initiative for collective bargaining for purchases. Buyers in a particular purchasing group maintain their individuality by defining differing purchasing requirements such as product or service specifications, contract terms, delivery schedules, etc. while they simultaneously present themselves as a cohesive and committed group to the seller community. Sellers also maintain individuality in responding to each buyer in the group with different pricing based on each buyer's requirements and buying profile considering such factors as volumes purchased, payment terms and cost of servicing each potential account in the group." (Abstract).

[0014] It is a fact that Moffett discloses, "With the fast growing and ubiquity of electronic commerce utilizing the Internet, group purchasing from a large seller community can be facilitated online. Buyers from far and near can relatively easily form groups to take advantage of volume purchasing, and/or to obtain bids from many potential sellers. In the past, many processes have been developed for creating and managing purchasing groups for online transactions. Generally, purchasing groups are monitored to determine if and when the size of the group or the aggregated purchase volume has reached a level associated with the seller's agreed volume discount pricing. The condition for group discount pricing may require that a certain number of buyers must have joined the group and commit to purchasing within a certain period of time." (paragraph [0007]).

[0015] It is a fact that Moffett discloses, "... the present invention is described using the example of group initiative for collective bargaining for purchases. The present invention provides the flexibility to establish a purchasing group initiative that addresses the formation and control of the group, and the different concerns and needs of the individual buyers in the purchasing group. A buyer in a particular purchasing group is allowed to maintain their individuality by defining different individual purchasing requirements, such as product or service

specification, contract terms, pricing requirements, audit provisions and to achieve at the same time the advantages of the combined buying power of the group. The formation of the purchasing groups provides many options for the buyers to maintain control of the group, such as group definition, membership criteria and invitation, leadership, norms, values, business processes, rules, governance, group management style, buyer commitment, nature of products sought, buyers and sellers qualification criteria, bid/buy game rules, bidding procedures, product sampling process, confidentiality, anonymity, timing, etc., factors which represent the buyers to the seller community as a unified and committed buying group, while still allowing each member of the group to uniquely retain their individuality and control pertinent to purchase. ... To compliment the group purchasing initiative, the present invention provides tools that facilitate, for example, formation of the group initiative, and definition of the purchase requirements and pricing requirements for the individual members within the group." (paragraph [0017]).

[0016] It is a fact that Moffett discloses, "Members (buyers) in the same group do not have to buy the same products. They only have to buy products common to all suppliers invited to bid." (paragraph [0019]).

[0017] It is a fact that Moffett discloses, "The present invention is directed to a customizable group initiative concept for collective bargaining of individual interests. ... the present invention is described in reference to examples of deployments and implementations of group initiatives designed for collective bargaining for purchasing products and services in an information exchange environment, and more particularly in the Internet environment. The specific embodiments are directed to purchasing of produce, but purchasing of other products and services can be conducted, such as office products, utilities, maintenance services, fuel, packaging, travel, waste removal, batteries etc." (paragraph [0043]).

### **3. Argument**

[0018] It is a fact that the present invention discloses, "Consumer behavior is a social process followed by individuals, groups, or organizations, to select, secure, use, and dispose of products, services, experiences, or ideas to satisfy needs. Behavior occurs either for the

individual, or in the context of a group (for example, friends influence what kinds of clothes a person wears) or an organization (people make decisions as to which products a firm should use). A person may buy a product based on the influence of neighbors, relatives, friends, colleagues, acquaintances, expert opinion, legal opinion, group norms of behavior, social norms, and so on. ... There remains a need to consider the online shopping environment from the point of view of the merchant in terms of the individual and collective behavior of the shoppers. (Pub. No. 2005/0096997, paragraphs [0004] and [0009]). (emphasis added).

[0019] Sundaresan, on the other hand, provides a method of online co-browsing for online shoppers, which provides a network site offering items for sale, provides to a first user/shopper of the network site a capability to inform the network site of interest in co-browsing with a second user/shopper, provides to the second user/shopper a capability to inform the network site of interest in co-browsing with the first user/shopper, and provides communication between the interested first and second users/shoppers while they continue to shop on the network site. (col. 1, lines 46-56).

[0020] Sundaresan also discloses that his invention can track of shopper behavior and previous visit histories, and that an e-store, i.e., a merchant, can maintain this information in its database to facilitate matching shoppers with other shoppers having similar interests or with whom they have co-browsed in the past. (col. 3, lines 18-27). However, Sundaresan's information about shoppers is only used by the merchant to facilitate co-browsing by shoppers with similar interests and not for the targeting of individual shoppers, as in the present invention.

[0021] In contrast, the present invention's claims clearly describe at least the features of a merchant collecting individual shopper data and group shopper data to determine shopper-group interaction measures, which are used to target individual shoppers by the merchant. That is, from a determination of individual versus group shopping behaviors, the merchant can then target individual shoppers for marketing promotions.

[0022] Furthermore, the shopper-group interaction measures of the present invention that are determined by the merchant, i.e., a shopper affinity index, a leadership index, a conformity index, and an assertiveness index, as recited in currently amended independent claims 43 and 84, and as similarly recited in independent claim 68, and are claimed in terms of specific types of

individual shopper data and group shopper data, which are not disclosed by Sundaresan. For example, Sundaresan does not disclose, teach or suggest determining a "shopper affinity index being determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs", as recited in currently amended independent claims 43, 68, and 84.

[0023] Likewise, Sundaresan does not disclose, teach or suggest at least the features of a merchant collecting individual shopper data and group shopper data to determine shopper-group interaction profiles, which are used to target individual shoppers by the merchant. That is, from a determination of individual versus group shopping behaviors, the merchant can then target individual shoppers for marketing promotions.

[0024] Furthermore, the shopper-group interaction profiles determined by the merchant, i.e., a group compatibility and agreement index, a maturity index, a group youthfulness index, and a group harmony index, as recited in currently amended independent claim 58, are claimed in terms of specific types of individual shopper data and group shopper data, which are not disclosed by Sundaresan. For example, Sundaresan does not disclose, teach or suggest determining "a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group", as recited in currently amended, independent claim 58.

[0025] Moffett discloses a customizable group initiative that enables the establishment and control of a group by members of the group, while allowing the personal requirements of individual members to be maintained as the group pursues the advantages of the collective bargaining power of the group as a whole. (Abstract). That is, Moffett, like Sundaresan, discloses a method of organizing group members/shoppers to further the group's behavior of collective bargaining, while preserving individual requirements to such collective bargaining.

[0026] In contrast, the present invention's claims clearly describe at least the features of a merchant collecting individual shopper data and group shopper data to determine shopper-group interaction measures, which are used to target individual shoppers by the merchant. That is, from a determination of individual versus group shopping behaviors, the merchant can then target individual shoppers for marketing promotions.

[0027] Although Moffett discloses that the formation of the purchasing groups provides options for the buyers to maintain control of the group, such as group definition, membership criteria and invitation, leadership, norms, values, business processes, rules, governance, group management style, buyer commitment, nature of products sought, buyers and sellers qualification criteria, bid/buy game rules, bidding procedures, product sampling process, confidentiality, anonymity, timing, etc., factors which represent the buyers to the seller community as a unified and committed buying group, while still allowing each member of the group to uniquely retain their individuality and control pertinent to purchase (paragraph [0017]), Moffett does not disclose, teach or suggest the shopper-group interaction measures of the present invention, which are determined by the merchant, i.e., a shopper affinity index, a leadership index, a conformity index, and an assertiveness index, as recited in currently amended independent claims 43 and 84, and as similarly recited in independent claim 68, and are claimed in terms of specific types of individual shopper data and group shopper data, which are not disclosed by Moffett. For example, Moffett does not disclose, teach or suggest determining a "shopper affinity index being determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs", as recited in currently amended independent claims 43, 68, and 84.

[0028] Likewise, Moffett does not disclose, teach or suggest at least the features of a merchant collecting individual shopper data and group shopper data to determine shopper-group interaction profiles, which are used to target individual shoppers by the merchant. That is, from a determination of individual versus group shopping behaviors, the merchant can then target

individual shoppers for marketing promotions.

[0029] Furthermore, the shopper-group interaction profiles determined by the merchant, i.e., a group compatibility and agreement index, a maturity index, a group youthfulness index, and a group harmony index, as recited in currently amended independent claim 58, are claimed in terms of specific types of individual shopper data and group shopper data, which are not disclosed by Moffett. For example, Moffett does not disclose, teach or suggest determining "a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group", as recited in currently amended, independent claim 58.

[0030] For at least the reasons outlined above, Applicants respectfully submit that Sundaresan and Moffett, either individually or in combination, do not disclose, teach or suggest at least the present invention's features of: "collecting, by said merchant, individual shopper data regarding choices of individual shoppers when shopping online individually; collecting, by said merchant, individual shopper data regarding choices of individual shoppers when participating in group shopping as group shopper data ... determining a shopper-group interaction measure from said individual shopper data and said group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group performing said group shopping ... wherein said shopper-group interaction measure comprises an index, comprising at least one of: a shopper affinity index, said shopper affinity index being determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs; a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals; a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping

group; and an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group; and wherein said index, comprising said shopper-group interaction measure, is specified by said merchant; determining targeted information, to be targeted to said targeted individual shoppers, based on said shopper-group interaction measure; and sending, by said merchant, said targeted information to targeted individual shoppers", as recited in currently amended, independent claims 43 and 84, and as similarly recited in currently amended, independent claim 68; and "collecting, by said merchant, individual shopper data regarding choices of individual shoppers when shopping online individually ... collecting, by said merchant, individual shopper data regarding choices of individual shoppers when participating in group shopping as a group shopper profile ... determining a shopper-group interaction profile from said individual shopper profile and said group shopper profile ... wherein said shopper-group interaction profile comprises an index, comprising at least one of: a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group; a maturity index based on an individual shopper's knowledge, normative behavior, or identification; a group youthfulness index based on subcultural elements of purchase history and browsing records; and a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length; and wherein said index, comprising said shopper-group interaction profile, is specified by said merchant; determining targeted information, to be targeted to said targeted individual shoppers, based on said individual shopper profiles, said group shopper profile, and said shopper-group interaction profile; and sending, by said merchant, said targeted information to targeted individual shoppers", as recited in currently amended, independent claim 58. Accordingly, Sundaresan and Moffett, either individually or in combination, fail to render obvious the subject matter of currently amended, independent claims 43, 58, 68, and 84, and dependent claims 56 and 82 under 35 U.S.C. §103(a). The rejection of canceled claims 44, 62, 69, and 70 is moot. Withdrawal of the rejection of claims 43-44, 56, 58,

62, 68-70, 78, 82, and 84 under 35 U.S.C. §103(a) as unpatentable over Sundaresan and Moffett is respectfully solicited.

## **B. The 35 U.S.C. 103(a) Rejection over Sundaresan, Moffett, and Bieganski**

### **1. The Bieganski Disclosure**

[0031] It is a fact that Bieganski discloses, "The invention includes an electronic processing system, a method and a computer readable storage device for generating a serendipity-weighted recommendation output set to a user based, at least in part, on a serendipity function. The system includes a processing system to receive user item preference data and community item popularity data. The processing system is also configured to produce an item recommendation set from the user item preference data, produce a set of item serendipity control values in response to the serendipity function and the community item popularity data, and combine the item recommendation set with the set of item serendipity control values to produce a serendipity-weighted and filtered recommendation output set. The method includes receiving item preference data and community item popularity data. The method further includes producing an item recommendation set from the user item preference data, using the processing system, and generating a set of item serendipity control values in response to the community item popularity data and a serendipity function, also using the processing system. The method also includes combining the item recommendation set and the set of item serendipity control values to produce a serendipity-weighted and filtered item recommendation output set, using the processing system. The computer readable storage device, has a set of program instructions physically embodied thereon, executable by a computer, to perform a method similar to that just described." (Abstract).

### **2. Argument**

[0032] Claims 45-48, 50-51, 70-74, and 76-77, which are rejected over Sundaresan, Moffett and Bieganski are canceled. However, similar subject matter contained in some of these claims is found in the currently amended, independent claims. Therefore, as a convenience to the Examiner, Applicants provide the following discussion regarding the subject matter of the

canceled claims.

[0033] Bieganski discloses a method of producing an item recommendation set to a user based on the user's item preference data, community item popularity data, and a serendipity-weighted and filtered recommendation output set of items. (Abstract).

[0034] It is a fact that the Office Action, mailed 12/12/2008, states, "Examiner notes applicant states that shopper-group interaction measure is determined based on any of a shopper affinity index, a leadership index, a conformity index, and an assertiveness index. It has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C)." (Office Action, mailed 12/12/2008, page 6, printed lines 11-16).

[0035] Applicants respectfully submit that the currently amended, independent claims limit a shopper affinity index, a leadership index, a conformity index, and an assertiveness index to a particular structure, i.e.,

wherein said shopper-group interaction measure comprises an index, comprising at least one of:

a shopper affinity index, said shopper affinity index being determined by at least one of:

a number of times an individual shopper has voted with other members of the shopping group;

a number of times said individual shopper's proposal has been voted for by other members of the shopping group;

a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and

a number of shopping groups to which said individual shopper belongs;

a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals;

a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and

an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the

shopping group,

as recited in currently amended, independent claims 43 and 84, and as similarly recited in currently amended, independent claim 68.

[0036] Likewise, Applicants respectfully submit that currently amended, independent claim 58 limits a shopper-group interaction profile to a particular structure, i.e.,

wherein said shopper-group interaction profile comprises an index, comprising at least one of:

a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group;

a maturity index based on an individual shopper's knowledge, normative behavior, or identification;

a group youthfulness index based on subcultural elements of purchase history and browsing records; and

a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length.

[0037] For at least the reasons outlined immediately above regarding the rejection of the claims over Bieganski, and for at least the reasons outlined above regarding the rejection of the claims over Sundaresan and Moffett, Applicants respectfully submit that the subject matter of currently amended, independent claims 43, 58, 68, and 84 is not disclosed, taught or suggested by Sundaresan, Moffet and Bieganski, either individually or in combination.

[0038] The rejection of canceled claims 45-48, 50-51, 70-74, and 76-77 is moot. Withdrawal of the rejection of claims 45-48, 50-51, 70-74, and 76-77 under 35 U.S.C. §103(a) as unpatentable over Sundaresan, Moffett and Bieganski is respectfully solicited.

## **C. The 35 U.S.C. 103(a) Rejection over Sundaresan, Moffett. and Eldering**

### **1. The Eldering Disclosure**

[0039] It is a fact that Eldering discloses, "The present invention supports the receipt of consumer purchase information with which consumer characterization vectors are updated based

on product characterization information. The consumer characterization vectors include a consumer demographic vector which provides a probabilistic measure of the demographics of the consumer, and a product preference vector which describes which products the consumer has typically purchased in the past, and therefore is likely to purchase in the future. The product characterization information includes vector information which represents probabilistic determinations of the demographics of purchasers of an item, heuristic rules which can be applied to probabilistically describe the demographics of the consumer based on that purchase, and a vector representation of the purchase itself." (col. 2, lines 32-47).

## **2. Argument**

[0040] Eldering merely discloses forming and updating consumer profiles based on their purchases, where the consumer profiles contain both demographic data and product preferences.

[0041] Nowhere does Eldering disclose, teach or suggest the present invention's features of a merchant collecting individual shopper data and group shopper data to determine shopper-group interaction measures, which are used to target individual shoppers by the merchant. That is, from a determination of individual versus group shopping behaviors, the merchant can then target individual shoppers for marketing promotions.

[0042] Furthermore, the shopper-group interaction measures of the present invention that are determined by the merchant, i.e., a shopper affinity index, a leadership index, a conformity index, and an assertiveness index, as recited in currently amended independent claim 43, and as similarly recited in independent claim 68, and are claimed in terms of specific types of individual shopper data and group shopper data, which are not disclosed by Eldering. For example, Eldering does not disclose, teach or suggest determining a "shopper affinity index being determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs", as recited in currently amended independent claims 43 and 68.

[0043] Likewise, Eldering does not disclose, teach or suggest at least the features of a merchant collecting individual shopper data and group shopper data to determine shopper-group interaction profiles, which are used to target individual shoppers by the merchant. That is, from a determination of individual versus group shopping behaviors, the merchant can then target individual shoppers for marketing promotions.

[0044] Furthermore, the shopper-group interaction profiles determined by the merchant, i.e., a group compatibility and agreement index, a maturity index, a group youthfulness index, and a group harmony index, as recited in currently amended independent claim 58, are claimed in terms of specific types of individual shopper data and group shopper data, which are not disclosed by Eldering. For example, Eldering does not disclose, teach or suggest determining "a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group", as recited in currently amended, independent claim 58.

[0045] For at least the reasons outlined immediately above with respect to the rejection of the claims over Eldering, and for at least the reasons outlined above with respect to the rejection of the claims over Sundaresan and Moffett, Applicants respectfully submit that Sundaresan, Moffett and Eldering, either individually or in combination, do not disclose, teach or suggest at least the present invention's features of: "collecting, by said merchant, individual shopper data regarding choices of individual shoppers when shopping online individually; collecting, by said merchant, individual shopper data regarding choices of individual shoppers when participating in group shopping as group shopper data ... determining a shopper-group interaction measure from said individual shopper data and said group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group performing said group shopping ... wherein said shopper-group interaction measure comprises an index, comprising at least one of: a shopper affinity index, said shopper affinity index being determined by at least one of: a number of times an individual shopper has voted with other members of the shopping group; a number of times said individual shopper's proposal has been voted for by other members of the shopping group; a number of times said individual

shopper has been invited by, or issued an invitation to, other members of a shopping group; and a number of shopping groups to which said individual shopper belongs; a leadership index, said leadership index being determined from records of purchase proposals of an individual shopper and a number of times other shoppers in the shopping group have followed said purchase proposals; a conformity index, said conformity index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to agreeing with a majority of the shopping group; and an assertiveness index, said assertiveness index being determined from a voting record of an individual shopper regarding a purchase proposal with reference to disagreeing with a majority of the shopping group; and wherein said index, comprising said shopper-group interaction measure, is specified by said merchant; determining targeted information, to be targeted to said targeted individual shoppers, based on said shopper-group interaction measure; and sending, by said merchant, said targeted information to targeted individual shoppers", as recited in currently amended, independent claim 43, and as similarly recited in currently amended, independent claim 68; and "collecting, by said merchant, individual shopper data regarding choices of individual shoppers when shopping online individually ... collecting, by said merchant, individual shopper data regarding choices of individual shoppers when participating in group shopping as a group shopper profile ... determining a shopper-group interaction profile from said individual shopper profile and said group shopper profile ... wherein said shopper-group interaction profile comprises an index, comprising at least one of: a group compatibility and agreement index based on a time series analysis of shopping history of said individual shoppers of the shopping group, other activities on a site of said merchant prior to joining the shopping group by said individual shoppers, and behaviors of individual shoppers after joining the shopping group; a maturity index based on an individual shopper's knowledge, normative behavior, or identification; a group youthfulness index based on subcultural elements of purchase history and browsing records; and a group harmony index based on continuity in a topic of discussion as a lead user changes, a fraction of proposals accepted, a margin of acceptance, and a number of proposals to session length; and wherein said index, comprising said shopper-group interaction profile, is specified by said merchant; determining targeted information, to be targeted to said targeted individual shoppers,

based on said individual shopper profiles, said group shopper profile, and said shopper-group interaction profile; and sending, by said merchant, said targeted information to targeted individual shoppers", as recited in currently amended, independent claim 58. Accordingly, Sundaresan, Moffett and Eldering, either individually or in combination, fail to render obvious the subject matter of currently amended, independent claims 43, 58, and 68, and dependent claims 53-55, 57, 59-61, 63, 67, 79-81, and 83 under 35 U.S.C. §103(a). The rejection of canceled claims 52 and 62 is moot. Withdrawal of the rejection of claims 52-55, 57, 59-63, 67, 79-81, and 83 under 35 U.S.C. §103(a) as unpatentable over Sundaresan, Moffett and Eldering is respectfully solicited.

#### **IV. Formal Matters and Conclusion**

Claims 43, 53-61, 63, 66-68, and 78-84 are pending in the application.

Applicants respectfully submit that the present claims fulfill the statutory requirements of 35 U.S.C. §101 and 35 U.S.C. §112, second paragraph.

With respect to the rejections of the claims over the cited prior art, Applicants respectfully argue that the present claims are distinguishable over the prior art of record. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 43, 53-61, 63, 66-68, and 78-84, all the claims presently pending in the application, are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest time possible.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

Dated: March 12, 2009

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